

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DWAYNE HARRIS,

Plaintiff,

vs.

Civil Action 2:13-cv-304
Judge Graham
Magistrate Judge King

CARL NINK, et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff was ordered to pay the full \$350.00 filing fee by October 7, 2013 if he wished to pursue this action. Order, Doc. No.

11. Plaintiff has not paid the full filing fee.

It is therefore **RECOMMENDED** that the action be dismissed for failure to prosecute.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to

de novo review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

October 8, 2013

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge